

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 14-66
Table of Allotments,)	RM-11689
FM Broadcast Stations.)	
(Custer, Michigan))	
)	
Station WCUZ(FM))	File No. BPH-20120301ADL
Bear Lake, Michigan)	Facility ID No. 57416

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: August 21, 2014

Released: August 22, 2014

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it: (1) a *Notice of Proposed Rule Making* (“*Notice*”),¹ issued in response to a Petition for Rule Making (“*Petition*”) filed by Roy E. Henderson (“*Petitioner*”), licensee of Station WCUZ(FM), Bear Lake, Michigan; and (2) *Petitioner’s* hybrid minor change application (“*Application*”) to upgrade the facilities of Station WCUZ(FM) at Bear Lake, Michigan.² For the reasons set forth below, we grant the *Petition* and the *Application*.

2. **Background.** The *Notice* proposes to amend the FM Table of Allotments, Section 73.202(b) of the Commission’s Rules,³ by substituting Channel 260A for a vacant allotment, Channel 263A, Custer, Michigan. The purpose of the channel substitution is to facilitate grant of the *Application* to upgrade the facilities of Station WCUZ(FM) at Bear Lake, from Channel 261A to Channel 264C3. In order to permit the channel substitution at Custer, *Petitioner* requested the reclassification of Station WUGN(FM), Midland, Michigan, to specify operation on Channel 259C0 rather than Channel 259C. We ordered that reclassification in a letter and released it with the *Notice*.⁴ *Petitioner* was the only party to file comments in response to the *Notice*. *Petitioner* reiterated his interest in this Rule Making, noting that adoption of the proposed allotment change will allow the upgrade proposed in the *Application*.⁵

3. **Discussion.** We find that the proposed channel substitution at Custer, Michigan would serve the public interest, because it will accommodate *Petitioner’s* proposed channel upgrade for Station WCUZ(FM), Bear Lake, Michigan. Our independent engineering analysis has determined that the upgrade will result in a potential net gain of 39,420 persons. In addition, this increase will be accomplished without any deleterious effect on the vacant Class A allotment at Custer. Therefore,

¹ *Custer, Michigan*, Notice of Proposed Rule Making, 29 FCC Rcd 4099 (MB 2014).

² *WCUZ(FM), Bear Lake, Michigan*, Minor Change Application, File No. BPH-20120301ADL. The *Application* and *Petition* are mutually contingent.

³ 47 C.F.R. §73.202(b).

⁴ *Reclassification of License of Station WUGN(FM), Midland, Michigan*, Letter, 29 FCC Rcd 4103 (2014).

⁵ *Petitioner* states that Station WCUZ(FM) currently provides service to 16,325 persons using Channel 261A, but would be able to serve 37,737 persons, if the station is permitted to operate on Channel 264C3.

Channel 260A can be allotted at Custer, Michigan, at reference coordinates of 43-58-16 NL and 86-19-42 WL. The Government of Canada has concurred in the allotment of Channel 260A at Custer, Michigan, which is located within 320 kilometers (199 miles) of the U.S.-Canadian border.

4. **Ordering Clauses.** Accordingly, pursuant to the authority found in 47 U.S.C. Sections 154(i), 155(c)(1), 303(g) and (r) and 307(b) and 47 C.F.R. Sections 0.61, 0.204(b) and 0.283, IT IS ORDERED, That effective, October 6, 2014, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED, with respect to the community listed below, to read as follows:

<u>Community</u>	<u>Channel</u>
Custer, Michigan	260A

5. IT IS FURTHER ORDERED, that the minor change application filed by Roy E. Henderson, licensee of Station WCUZ(FM), Bear Lake, Michigan, to upgrade the facilities of that station to operate on Channel 264C3, File No. BPH-20120301ADL, IS GRANTED.

6. The Commission will send a copy of this *Report and Order* to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A).

7. The window periods for filing application for Channel 260A at Custer, Michigan will not be opened at this time. Instead, the issue of opening filing window for this allotment will be addressed by the Commission in a subsequent order.

8. IT IS FURTHER ORDERED, that this proceeding IS TERMINATED.

9. For further information concerning this proceeding, contact Deborah A. Dupont, Media Bureau, (202) 418-7072.

FEDERAL COMMUNICATIONS COMMISSION

Nazifa Sawez
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